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## Legislative Assembly of Ontario

Second Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Monday 5 December 2016

# Journal des débats (Hansard)

Lundi 5 décembre 2016

**Standing Committee on  
General Government**

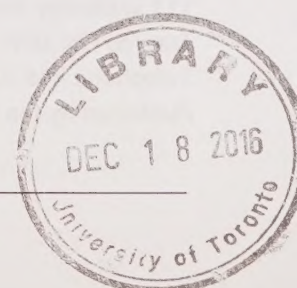
Election Statute Law  
Amendment Act, 2016

**Comité permanent des  
affaires gouvernementales**

Loi de 2016 modifiant des lois  
en ce qui concerne les élections

Chair: Grant Crack  
Clerk: Sylwia Przewdziecki

Président : Grant Crack  
Greffière : Sylwia Przewdziecki



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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Monday 5 December 2016

Lundi 5 décembre 2016

*The committee met at 1402 in committee room 2.*ELECTION STATUTE LAW  
AMENDMENT ACT, 2016LOI DE 2016 MODIFIANT DES LOIS  
EN CE QUI CONCERNE LES ÉLECTIONS

Consideration of the following bill:

Bill 45, An Act to amend certain Acts with respect to provincial elections / Projet de loi 45, Loi visant à modifier certaines lois en ce qui concerne les élections provinciales.

**The Chair (Mr. Grant Crack):** Good afternoon, members of the committee, Clerk, Hansard, legislative counsel and members of the public. I'll call the Standing Committee on General Government to order.

Today, we're going to be dealing with clause-by-clause consideration of Bill 45, An Act to amend certain Acts with respect to provincial elections. As a reminder to the committee, we are on an order of the House, that at 4 p.m. on December 5, 2016, those amendments which have not yet been moved shall be deemed to have been moved and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 45 and any amendments thereto. At this time, the Chair shall allow one 20-minute waiting period, pursuant to standing order 129(a).

Having said that, are there any questions or comments with regard to Bill 45 prior to commencement of clause-by-clause? Ms. Gélinas, did I see your hand go up?

**M<sup>me</sup> France Gélinas:** No.

**Le Président (M. Grant Crack):** Oh, je m'excuse. Any comments? Ms. Hoggarth.

**Ms. Ann Hoggarth:** Could we bundle wherever?

**The Chair (Mr. Grant Crack):** Well, that will be a possibility. If I'm requested to bundle a certain amendment or a number of amendments, we will consider that at the time.

Mr. Hillier. Oh, I thought you were—very good.

Any other comments of questions concerning the bill? Then we shall move directly to clause-by-clause consideration. Great to see so many keeners here this afternoon.

Section 1: Is there any discussion on section 1? Is there interest in bundling?

**Ms. Ann Hoggarth:** Let's see if we could bundle that.

**The Chair (Mr. Grant Crack):** Oh, Ms. Hoggarth. Ms. Hoggarth is asking to bundle section 1, section 2, section 3 and section 4. Is that the will of the committee, to bundle those sections? I don't hear any opposition, so we shall entertain that.

Any discussion on section 1, section 2, section 3 and/or section 4? There being none, I shall call for the vote. Shall section 1, section 2, section 3 and section 4 carry? Those in favour? Those opposed? I declare section 1 carried, I declare section 2 carried, I declare section 3 carried and I declare section 4 carried.

We shall move to government motion number 1, which is an amendment to section 5, new subsection (2), section 4.6 of the Election Act: Ms. Hoggarth.

**Ms. Ann Hoggarth:** I move that section 4.6 of the Election Act, as set out in section 5 of the bill, be amended by adding the following subsection:

"Application

"(2) This section and sections 4.7 and 4.8 apply on and after July 1, 2017."

**The Chair (Mr. Grant Crack):** Further discussion on government motion number 1? Ms. Hoggarth?

**Ms. Ann Hoggarth:** I'm recommending that we vote for this motion. We have heard from the Chief Electoral Officer that delaying the effective date to July 1, 2017, will allow Elections Ontario sufficient time to develop and test these new protocols to support effective implementation. We recognize that these reforms will require operational changes at Elections Ontario that will take some time.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on government motion number 1. Those in favour of government motion number 1? Those opposed? I declare government motion number 1 carried.

Any discussion on section 5, as amended? There being none, I shall call for the vote. Shall section 5, as amended, carry? Those in favour? Those opposed? I declare section 5, as amended, carried.

We have section 6: Ms. Hoggarth?

**Ms. Ann Hoggarth:** I just think it'd be a wonderful idea if we bundle 6 to 22.

**The Chair (Mr. Grant Crack):** We have a request to bundle sections 6 to 22. Do we have consensus from the committee members? I hear no opposition. The request shall be entertained.

Is there any discussion on sections 6 through 22? There being none, I shall call for the vote on sections



through 22. Shall section 6, section 7, section 8, section 9, section 10, section 11, section 12, section 13, section 14, section 15, section 16, section 17, section 18, section 19, section 20, section 21 and section 22 carry? Those in favour? Those opposed? I declare sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 carried.

We will move to NDP motion number 2, which is an amendment to section 23, subsection 44.1(4) of the Election Act: Ms. Gélinas.

**M<sup>me</sup> France Gélinas:** I move that section 23 of the bill be amended by adding the following subsection:

“(1) Subsection 44.1(4) of the act is repealed and the following substituted:

“Polling day

“(4) At every election, the accessible voting equipment and related vote counting equipment shall be made available in every electoral district on polling day.”

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Gélinas.

**M<sup>me</sup> France Gélinas:** This is a recommendation that came from the deputations from the Chief Electoral Officer during his presentation to committee. When he presented to us, he saw this section of the bill. He thought there was an error that had been made in the bill. This motion is to correct this error.

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Hoggarth?

**Ms. Ann Hoggarth:** I am recommending we vote against this motion because there's a serious technical flaw with the motion. It would effectively remove the existing requirement that accessible voting equipment be made available in all ridings in the period before polling day. It would also simultaneously require the placement of vote-casting machines in every electoral district, without full consideration of the implications of this decision. We think it's prudent to take a gradual approach to the introduction of technology into elections.

**The Chair (Mr. Grant Crack):** Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** So how do we deal with the way that the bill is written now?

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Hoggarth.

**Ms. Ann Hoggarth:** We will have a chance to assess how well the new technologies proposed in this bill worked after the 2018 general election.

**The Chair (Mr. Grant Crack):** Mr. Hillier.

**Mr. Randy Hillier:** I'm just a little bit perplexed. I recall hearing that deputation from the Chief Electoral Officer as well, and I'm sort of astonished that the government hasn't provided an amendment based on the Chief Electoral Officer's comments. I think the words that he used were that there was an error in drafting. He was very cautious and thoughtful, and suggested that he doesn't usually get into what he believes are errors in drafting, but he did see that as an error.

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Whether or not the NDP amendment satisfies completely the Chief Electoral Officer's comments and his

concern about the error in drafting—I'll leave that for others. But I think it would be appropriate for the government members to explain their position, and if they're opposed to this NDP amendment, why haven't they got one to address the Chief Electoral Officer's concerns?

**The Chair (Mr. Grant Crack):** Further discussion?

**Ms. Ann Hoggarth:** This bill, if passed, will ensure Ontario's elections process keeps up with the times and takes advantage of available technology to improve the voting process while taking a gradual and prudent approach to it.

**The Chair (Mr. Grant Crack):** Madame Gélinas.

**M<sup>me</sup> France Gélinas:** She just repeated what she had said before, which does not address the basic questions that both the PC and I are asking. When the Chief Electoral Officer came here, he pointed to an error in the bill when it came to accessibility. I'm more than willing to do away with the counting equipment etc., but we have to do something to make sure that every polling station is accessible. Right now, the way the bill is written, he basically would not be allowed to make polling stations accessible except for on voting day. So for everybody who votes on all of the opportunities before, those people who are disabled would not be allowed to use the technology that allows disabled people to vote.

**The Chair (Mr. Grant Crack):** Further discussion?

**Ms. Ann Hoggarth:** This will be my last comment. The difficulty with it is that this motion would remove the existing requirement that accessible voting equipment be made available in all ridings in the period before polling day. They could only be used on polling day.

**The Chair (Mr. Grant Crack):** Further discussion?

**M<sup>me</sup> France Gélinas:** When the Chief Electoral Officer was here—and we can pull the Hansard—he said the exact opposite of what you just said. The Chief Electoral Officer told us that the way the bill is written now will limit accessibility equipment to the day of voting.

What we all want is for people with disabilities to be able to vote in advance voting at the returning officer and on election day with the right accessibility equipment for them.

Are you telling me that the way the bill is written now allows people with disabilities—allows the Chief Electoral Officer to make this equipment available before voting day?

**Ms. Ann Hoggarth:** I believe so.

**Mr. Jim McDonell:** That's a strong “maybe.”

**Ms. Ann Hoggarth:** That's a strong “maybe.”

**M<sup>me</sup> France Gélinas:** That's in complete contradiction to what the Chief Electoral Officer has told us.

**Ms. Ann Hoggarth:** Yes, it does.

**M<sup>me</sup> France Gélinas:** So you're telling us that the Chief Electoral Officer read the bill wrong?

**Ms. Ann Hoggarth:** I'm not saying he read it wrong; I'm just saying that this will make it available on days other than just polling days.

**M<sup>me</sup> France Gélinas:** What is “this”? When you say “this,” what are you referring to?



**Ms. Ann Hoggarth:** This motion will only allow it on polling days and not any time before that.

**The Chair (Mr. Grant Crack):** Further discussion?

**Mr. Randy Hillier:** I'm still very perplexed that we haven't had a reasonable argument advanced from the government members regarding the Chief Electoral Officer's concerns. We have an NDP amendment, which certainly appears to address the Chief Electoral Officer's comments to the committee, and in the absence of a government motion to address those concerns, it would have to be concluded that the members of the government on this committee don't place any value or merit to the Chief Electoral Officer's comments about an error in drafting, and I've not heard any reasonable statement why that is.

I'm looking at the NDP motion—and again, I'm not going to comment. It fully encapsulates the Chief Electoral Officer's comments about errors in drafting, but at least they've made an attempt to correct it. If the government isn't prepared to indicate that either the Chief Electoral Officer is in error or that they just don't feel like addressing it, they should at least inform the committee what and why they're taking that position.

**The Chair (Mr. Grant Crack):** Further discussion?

**Ms. Ann Hoggarth:** There's a technical issue with this motion. If approved, it would create a gap in the direction to the chief electoral office. By specifying "polling day," the proposed subsection would effectively remove the existing requirement that accessible voting equipment be made available in all ridings in the period before polling day.

In addition, accessible voting equipment that is currently used in the Ontario returning office advance poll typically consists of vote-casting machines that allow an elector to vote electronically but not online.

While this bill would allow for the use of ballot-counting machines, the CEO has sufficient authority to implement e-poll books without legislative change at all elections, including on polling day. To date, there has been no broad consideration of the implications of deploying vote-casting machines across the province on polling day.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Hillier.

**Mr. Randy Hillier:** Maybe I can just refer the Liberal members on the committee to page 2 of the summary prepared for the standing committee by the research branch—on page 2, the section on vote-counting equipment and accessibility requirements. This is from the Chief Electoral Officer, and it says, "Amend the drafting error that precludes the Chief Electoral Officer from deploying vote-counting equipment for accessibility purposes other than in a returning office during the advance vote period."

That's the comments. I haven't gone through all the motions, but maybe somebody on the government side can say where they're addressing that concern in the package of amendments.

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Hoggarth.

**Ms. Ann Hoggarth:** As I said, the Election Act already requires accessible voting equipment to be made available during advance voting at the returning office. This would change it.

**The Chair (Mr. Grant Crack):** Further discussion?

**M<sup>me</sup> France Gélinas:** But this is just it. This bill will change it so that, as the Chief Electoral Officer said and as Mr. Hillier just read into the record, it will preclude the Chief Electoral Officer from deploying the vote-counting equipment for accessibility purposes other than in the returning office, and this is what he wants to change. He wants to make sure that if he decides that it makes sense to roll it out during the advance poll, right now if we keep the bill as written, the law will prohibit him from doing that.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote.

**M<sup>me</sup> France Gélinas:** Recorded vote.

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**The Chair (Mr. Grant Crack):** Pardon me?

**M<sup>me</sup> France Gélinas:** Recorded vote on all the NDP motions, please.

**The Chair (Mr. Grant Crack):** Okay, that will be entertained on NDP motion number 2. We'll deal with all NDP motions as they come forward. If that request comes, I shall entertain it.

There is a request for a recorded vote on NDP motion number 2.

#### Ayes

Gélinas, Hillier, McDonell.

#### Nays

Baker, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare NDP motion number 2 defeated.

There are no amendments, therefore, to section 23. Any further discussion on section 23 in its entirety? There being none, I shall call for the vote. Shall section 23 carry? Those in favour? Those opposed? I declare section 23 carried.

We shall move to section 24. Is there a request here coming forward to bundle? Ms. Hoggarth.

**Ms. Ann Hoggarth:** Can we bundle them, please?

**The Chair (Mr. Grant Crack):** Which ones?

**Ms. Ann Hoggarth:** Sections 24, 25, 26 and 27.

**The Chair (Mr. Grant Crack):** Any opposition to the bundling of sections 24, 25, 26 and 27? There being none, I shall entertain that.

Any discussion on sections 24, 25, 26 and/or section 27? There being none, I shall call for the vote. Shall section 24, section 25, section 26 and section 27 carry? Those in favour? Those opposed? I declare section 24



carried, section 25 carried, section 26 carried and section 27 carried.

We shall move to government motion number 3, which is an amendment to section 28, subsection 47(8) of the Election Act. Ms. Hoggarth.

**Ms. Ann Hoggarth:** I move that subsection 47(8) of the Election Act, as set out in section 28 of the bill, be amended by adding “or provide it in an electronic format to a registered party” at the end.

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Hoggarth.

**Ms. Ann Hoggarth:** I recommend voting for this motion because sharing information with parties and candidates at the same time is consistent with the overall policy intention of the bill, which is that information provided to the candidate should be provided to the parties; and providing strike-off data in electronic form to parties every 30 minutes on polling day will help all parties better utilize this data, like to help them to increase voter turnout.

**The Chair (Mr. Grant Crack):** Further discussion on government motion number 3? There being none, I shall call for the vote. Those in favour of government motion number 3? Those opposed? I declare government motion number 3 carried.

There is one amendment to section 28. Is there any discussion on section 28, as amended? There being none, I shall call for the vote. Shall section 28, as amended, carry? Those in favour? Those opposed? I declare section 28, as amended, carried.

We shall move to section 29 and perhaps section 30. Ms. Hoggarth.

**Ms. Ann Hoggarth:** Could we bundle sections 29, 30, 31, 32—

**The Chair (Mr. Grant Crack):** No.

**Ms. Ann Hoggarth:** Oh, sorry—sections 29 and 30?

**The Chair (Mr. Grant Crack):** There is a request to bundle sections 29 and 30. Any opposition? There being none, I shall entertain.

Any discussion on sections 29 and 30? There being none, I shall call for the vote. Shall section 29 and section 30 carry? Those in favour? Any opposed? I declare section 29 carried and I declare section 30 carried.

We shall move to section 31, PC motion number 4, which is an amendment to section 31, subsections 89.1(6) to (11) of the Election Act. Mr. Hillier.

**Mr. Randy Hillier:** I move that subsections 89.1(6) to (11) of the Election Act, as set out in section 31 of the bill, be struck out and the following substituted:

“Offence

“(6) If a person is refused access to a multiple-residence building or a condominium multiple-residence building in contravention of a notice given under clause (5)(a), the owner of the multiple-residence building or the condominium corporation, respectively, is guilty of an offence and, on conviction, is liable to a fine of,

“(a) \$500 for the first contravention by the owner or the condominium corporation in each period that begins

with the issue of a writ for an election and ends on polling day;

“(b) \$1,000 for the second contravention by the owner or the condominium corporation in each period that begins with the issue of a writ for an election and ends on polling day; and

“(c) \$2,000 for the third and any subsequent contravention by the owner or the condominium corporation in each period that begins with the issue of a writ for an election and ends on polling day.”

**The Chair (Mr. Grant Crack):** Any discussion? Mr. Hillier.

**Mr. Randy Hillier:** This section of the bill alters the provincial offence for the refusal to allow elected representatives or their agents to canvass inside multi-unit residential buildings. It alters it from a provincial offence to an administrative monetary penalty. The penalties, unlike offences, are just that: They’re levied penalties, with much less opportunity to offer a defence or to offer up due process to defend oneself.

We did hear from the Chief Electoral Officer on this, and it was based on his recommendation that this section is included in the bill. However, I do believe that it is a very blunt instrument to deal with a very narrow problem in our elections. I raised—I didn’t have much time in the three minutes that were allocated for discussion on the bill with the Chief Electoral Officer. However, my concern is in buildings that are not staffed. For buildings that do not have concierge services or superintendents resident on-site, they are in an extreme disadvantage. If access is not granted within a 24-hour period, they are deemed to be in contravention, and an administrative penalty will be levied. I think this change, the administrative penalty change, is far too blunt an instrument. Although it may provide better access, on the one hand, to multi-unit residential buildings that have concierge services etc., it will be a significant disadvantage to those who don’t have staffing in their buildings.

So the PC motion is to alter the act back to its present condition and leave it as a provincial offence. I would suggest to the government that they view this amendment in that light: actually go back to the drawing board on this portion of the bill and, in a further housekeeping amendment or housekeeping provision—whether it be in another omnibus bill or what have you—that they sharpen up what they want to achieve, without causing undue and negative consequences for those smaller landlords who don’t have staff in their multi-unit residential buildings.

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Hoggarth.

**Ms. Ann Hoggarth:** I recommend voting against this motion because the administrative penalty framework put forward in this bill was designed on best practices. This motion proposes to remove both the appeal mechanism and the ability of the Chief Electoral Officer to file an order with the Superior Court of Justice to seek redress for non-payment. Removing the appeal procedure falls short of best practice in the design of administrative



penalties. It would create unfairness if a penalty is wrongly issued in the first instance. The motion, as proposed, could create legal risks to the integrity of the administrative penalty. The motion would also eliminate the ability of the CEO to enforce fines.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Hillier.

**Mr. Randy Hillier:** Yes. I think that maybe I'll just clarify for members of the committee the difference between an administrative penalty and a provincial offence.

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In our ordinary courts, you can offer up a defence as to why you weren't in compliance, and the courts will take that into consideration to determine if you're guilty or not. In an administrative penalty, there is no defence. So if you didn't provide access to the building within the required amount of time, you are levied a penalty with no opportunity to argue a defence, such as, you were unaware that there was notice given, or any other reasonable argument that a court could take into consideration in determining guilt.

The administrative penalty is a very blunt instrument. Yes, there is an appeal mechanism to a superior court, but that's a costly process, far more costly and far more time-consuming, and we know that our Divisional and Superior courts and the Ontario Court of Justice are far more burdened than our provincial offences courts. It takes much longer to go through that.

I understand the government's interest in having a hasty, fast, expeditious way to take money from people, but that's not in accordance with our understanding of law and due process. Putting this into an administrative penalty removes due process.

Once again, I can understand the argument for a building that is staffed, that has concierge service, but in my riding—and that's what I'm offering this perspective for—most of our multi-unit residential buildings don't have full-time, on-site superintendents, supervisors or concierge service. They're going to be at an extreme disadvantage, and they will be guilty, just because their operation doesn't have somebody on-site. Again, it's a blunt instrument that will hurt as many or more of the people who can't afford to defend themselves than it will provide access in these staffed buildings.

My expectation would be that this amendment would be adopted. The government, in a subsequent piece of legislation, could refine their target and not use a sledgehammer on all these small landlords who will be at a significant disadvantage with the bluntness of this instrument.

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Hoggarth.

**Ms. Ann Hoggarth:** An enormous amount of voter engagement takes place through canvassing. We all would agree with that. All potential voters should have the opportunity to speak with the candidates or canvassers at their door, no matter where they live. The Chief Electoral Officer has recommended that there

should be easier access for canvassers to reach voters in multiple-resident buildings or condominiums.

This motion that has been proposed seeks to remove the appeal mechanism already in the bill. Removing the appeal procedure, which the PCs are proposing, falls short of best practice in the design of administrative penalties.

Administrative penalties currently function in this bill as follows: If a canvasser is prevented from entering a multiple-residence building during the designated times, they can give notice that access must be granted within 24 hours or immediately on a polling day. Providing 24 hours' notice gives multiple-resident buildings or condominiums time to respond. The returning officer can then impose an administrative penalty on the owner of the multiple-resident building where the access is denied.

**The Chair (Mr. Grant Crack):** Mr. Hillier?

**Mr. Randy Hillier:** Thank you. I don't disagree that an objective of the bill would be for better access. That's not in disagreement. But, as the member just mentioned, if a canvasser or a candidate goes to an unstaffed, multi-unit residential building and the door is locked—which most of them are; the main door is locked—they put a note on the door that they need access within 24 hours. If somebody isn't there in 24 hours to open the door for them, the landlord is guilty.

Now, 24 hours is not a great deal of time for somebody who operates in an unstaffed, multi-unit residential building. So why would we want to penalize the small fella—the little guy, the small landlord—when clearly, from the Chief Electoral Officer's comments, the main concern was the larger condominium corporations and the larger facilities that have concierge services who actually do deny people access?

That's the bluntness of the way the bill is written. It hurts the people who are not the problem and gives them very little time to respond. Twenty-four hours is not a great deal of time for—I know landlords who go once a week to their building on a rotation, and they don't go unless there is some other cause to go. These people will be in contravention. A penalty will be assigned, and there will be no defence. That's the key: There is no defence because it is now an administrative penalty and it has been removed from our ordinary courts and the provincial offences mechanism.

That is my concern. I think the government could come up with a much better tool to improve better access and meet the Chief Electoral Officer's objectives without being unduly punitive to smaller landlords.

**The Chair (Mr. Grant Crack):** Madame Gélinas.

**M<sup>me</sup> France Gélinas:** We will be voting in favour of this motion for the simple fact that we know that this is happening. The Chief Electoral Officer has spoken about this. We know that the bill, the way it is written now, is problematic.

The government has not put anything forward to say, "How do we deal with the problem that has been identified in the bill, the way it is written now?" The PCs have done the work, have put something forward. Is it the



end-all and be-all? Probably not, but will it be better than what we have now, that has been identified as being problematic? Absolutely; it brings a level of fairness to the issue of penalty and to the issue of big buildings where you actually talk to somebody who thinks they're above the law and keeps you from going in.

How can you vote down something that makes our electoral process work better for the good of all of us?

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Hoggarth.

**Ms. Ann Hoggarth:** With that in mind, I didn't realize you were trying to make this into a provincial offence. This does not accomplish that.

Further, all you've done here is to gut the administrative monetary penalty scheme. I still advise that we will be voting against this.

**The Chair (Mr. Grant Crack):** Mr. Hillier, then Mr. McDonell.

**Mr. Randy Hillier:** Let me clarify: At present, in the legislation, it is a provincial offence. That's the current law today. This bill, Bill 45, alters the current law by removing it from a provincial offence and inserting it as an administrative penalty. So, at the present time, somebody can offer a defence in a provincial offence court and allow the due process.

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Clearly, the member wasn't clear on the current law and what the current Bill 45 seeks to amend. The PC motion would leave the current law with regard to access to multi-unit residential buildings as a provincial offence.

**The Chair (Mr. Grant Crack):** Mr. McDonell.

**Mr. Jim McDonell:** I just want to get on record that I also come from an area where the service we see around here is extremely uncommon; you very rarely see it. It will affect people in my riding even more, where you go and the doors are just locked and people have a general key to get in.

I have to agree that if the owner happens to be away on vacation, or not visiting his location every day—which is, I would imagine, the norm—they're hit with these penalties with no defence.

I think you are again forgetting about the areas that are outside the GTA and the big cities, and not looking into what's common practice outside. There's nothing wrong with the way we operate. It allows landowners to actually do service a lot cheaper, and that's passed on to their tenants.

Again, we're looking at something that is not taking some good advice of the Chief Electoral Officer. He wasn't consulted before the fact, and he's trying to straighten out an issue here. But again, the government doesn't seem to want to listen.

**The Chair (Mr. Grant Crack):** Ms. Hoggarth.

**Ms. Ann Hoggarth:** It's not a provincial offence as it's written in Bill 45. This motion seeks to make it one, which it doesn't accomplish. Again, we will be voting against this motion.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Hillier.

**Mr. Randy Hillier:** No, there is little point in arguing it any further.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on PC motion number 4.

**Mr. Randy Hillier:** Recorded vote.

**The Chair (Mr. Grant Crack):** There is a request for a recorded vote, which shall be entertained.

**Ayes**

Hillier, McDonell, Vanthof.

**Nays**

Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare PC motion number 4 defeated.

There are therefore no amendments to section 31. Any further discussion on section 31? There being none, I shall call for the vote. Shall section 31 carry? Those in favour? Those opposed? I declare section 31 carried.

We have section—

**Ms. Ann Hoggarth:** Chair?

**The Chair (Mr. Grant Crack):** Ms. Hoggarth.

**Ms. Ann Hoggarth:** Could we bundle sections 31, 32, 33 and 34, please?

**The Chair (Mr. Grant Crack):** No, but we may do 32, 33 and 34.

**Ms. Ann Hoggarth:** Sorry, 32, 33 and 34.

**The Chair (Mr. Grant Crack):** Certainly, if the committee wishes. Any opposed? There are none opposed, so that request shall be entertained, to bundle sections 32, 33 and 34. Any discussion on those sections? There being none, I shall call for the vote.

Shall section 32, section 33 and section 34 carry? Those in favour? Those opposed? I declare section 32 carried, section 33 carried and section 34 carried.

We shall move to section 35. We have PC motion number 5, which is an amendment to subsection 35(5), subsection 37(1) of the Election Finances Act. Mr. Hillier.

**Mr. Randy Hillier:** I move that subsection 35(5) of the bill be struck out.

**The Chair (Mr. Grant Crack):** Discussion, Mr. Hillier?

**Mr. Randy Hillier:** Yes. Again, through that lengthy, thoughtful discussion of three minutes that we had with the Chief Electoral Officer at second reading and deputations to the bill, we didn't really get into a lot of discussion in that three minutes.

Subsection 35(5) of the bill strikes out the initial blackout period, and it is at the recommendation of the Chief Electoral Officer. He gave his reasons. One of the big ones was that we do have regularly scheduled election dates. My concern, and the concern of the PC caucus, is that, the way the bill is written, there would be no blackout period for by-elections, which would permit



a government to use and engage in advertising to the disadvantage of other parties during by-elections, because they are not known in advance like a regularly scheduled election.

So I move that subsection 35(5) of the bill be struck out, which would still contain a provision for an advertising blackout period in the time preceding a by-election.

**The Chair (Mr. Grant Crack):** Ms. Hoggarth.

**Ms. Ann Hoggarth:** I recommend voting against this motion because we have heard from the Chief Electoral Officer on several occasions that the first advertising blackout period for scheduled elections is an outdated provision. Retaining outdated provisions is not in keeping with the spirit of this bill, which is intended to modernize the elections process. We trust the CEO's recommendation on this matter, and that is why Bill 45 proposes to eliminate the blackout period.

**The Chair (Mr. Grant Crack):** Mr. Hillier.

**Mr. Randy Hillier:** Again, I don't know if I would take all that without first commenting once again that we had a total of three minutes to engage in discussions. Let's keep this in mind: three minutes from the Chief Electoral Officer to be engaged in a discussion with members of this committee from each caucus. It's hard, to say the least, to get into an in-depth discussion or understanding of one clause, let alone a whole bill in three minutes.

It's very clear that on general elections, which are scheduled and which this bill actually alters and puts into June every four years—the first Thursday of June every four years—we know when those are coming up. But by-elections: We don't know when they're going to arise.

The provisions of the act, as they currently stand, prohibit the government from engaging—they have that initial blackout period as well as at the end of the writ period. I think it makes good sense to keep the initial blackout period as well to prevent governments from abusing government advertising etc. at the onset of a by-election.

I know there may be some opposition to my view about abuse of government advertising from other members, but we've seen the Auditor General being very critical as well of how this present government engages in self-congratulatory messaging and advertising using taxpayers' dollars. I think this PC motion would go a long way to prevent further abuse or expanding the envelope of government advertising in by-elections.

**The Chair (Mr. Grant Crack):** Mr. McDonell and then Ms. Hoggarth.

**Mr. Jim McDonell:** We see, just days after the Auditor General's report, that this government has reached a new high when it comes to abuse of taxpayer-funded advertising over and over again. One of the ones I hear most is the ORPP, \$800,000 after it was cancelled. There's just no new low to hit here. Of course, it's a concern. It was a concern of the Chief Electoral Officer. In the short time that he had, it became clear that third-

party advertising not only can be abused but has been abused by this government and it's a concern.

We should all be concerned about having a level playing field when it comes to a democratic election in a country such as Canada. It should not depend on who is in power. They should not have an advantage. Those are the benefits of a democratic government.

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We've seen lots of rights of the legislative officers and oversight opportunities removed by this government. We've heard the legislative officers come before this committee on various bills talking about the dangers, and of course, they've gone on deaf ears and we've seen the government plow through with these changes.

We're certainly very concerned. Everybody should be supporting this if they truly believe in the rights of democratic elections.

**The Chair (Mr. Grant Crack):** Ms. Hoggarth?

**Ms. Ann Hoggarth:** Well, we've take the Chief Electoral Officer's advice on this. The opposition has asked us to do that. This is the third thing that we've done taking his advice, and you're opposing it.

The Chief Electoral Officer advised that eliminating the first blackout period will not create an advantage for the governing party. The way information is delivered and the way people access that information has changed substantially, as we all know, so it's no longer possible for one party to dominate or monopolize all communication channels. By doing this, we are keeping up with the times. The reality is that this provision is no longer relevant.

**The Chair (Mr. Grant Crack):** Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** It is hard to listen to this after we had the Auditor General do her comments last week. She named pretty much every single ad that the Liberal government had put forward and called them self-congratulatory and self-promoting.

I think the notes that she's reading from need to be updated a bit.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. McDonell.

**Mr. Jim McDonell:** Yes, after hearing, just on the ORPP, \$80 million—if that truly is what this government believes, it was a lot of money spent of taxpayers' dollars for something that would have no impact, and that was just the one bill. They spent \$80 million on advertising.

Obviously, you don't believe what you've just said because that \$80 million could have gone to so many other things. For instance, a former member of Parliament here had their elective surgery cancelled this month until after April because they're out of money for operating time in Cornwall. That's where we are today, and you're, by your own words, wasting money on something that makes no difference, which nobody else believes.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on PC motion



number 5. Those in favour of PC motion number 5? Those opposed? I declare PC motion number 5 defeated.

There are therefore no amendments to section 35. Any discussion on section 35? There being none, I shall call for the vote. Shall section 35 carry? Those in favour? Those opposed? I declare section 35 carried.

We shall move to section 36. We have an amendment: NDP motion number 6, which is an amendment proposing new subsection 36(0.1), new section 0.1 of the Representation Act, 2015. Mr. Vanthof.

**Mr. John Vanthof:** I move that section 36 of the bill be amended by adding the following subsection:

“(0.1) The Representation Act, 2015 is amended by adding the following section:

“Meaningful engagement with Nishnawbe Aski Nation and Nishnawbe Aski Nation First Nations

“0.1 In recognition of the inherent and treaty rights of the Nishnawbe Aski Nation First Nations, the government of Ontario shall meaningfully engage with Nishnawbe Aski Nation and Nishnawbe Aski Nation First Nations regarding any proposed legislation that would affect the electoral representation of First Nations in the part of Ontario divided into 11 northern electoral districts.”

**The Chair (Mr. Grant Crack):** Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** We all have the written paper that was submitted by the grand chief of the Nishnawbe Aski Nation, Grand Chief Alvin Fiddler, called Submission to the Standing Committee on General Government, Bill 45, Election Statute Law Amendment Act. He submitted it on November 28. I will quote from this.

First, in the introduction, he starts, “First and foremost, we respectfully point out that to date there has been no meaningful attempt by the government of Ontario to consult with NAN”—which is short for Nishnawbe Aski Nation—“or, to our knowledge, NAN First Nations, prior to or during the introduction of this legislation.

“This is unacceptable, and a breach of the government’s obligation to consult with First Nations on matters affecting them.”

He goes on to say, “We are greatly concerned that the government of Ontario has made no meaningful attempt to consult or engage with NAN, and especially our First Nations in the affected electoral ridings prior to the introduction of this legislation. If the goal is to benefit representation of First Nations, appropriate consultation and community engagement should have been held before the introduction of this legislation.”

Basically, what this does is it puts it in the bill that we will recognize the treaty right of Nishnawbe Aski Nation to be consulted, with a bill that—I’ll say that the goal is good. We all know that forming new electoral districts in the Far North of our province, where a majority of First Nations live, will give us First Nations representation at the Legislative Assembly. They don’t argue with your end goal; they argue with the way you want to get there. There’s a way that will be a win and a way that will be a waste of everybody’s effort, because if the Nishnawbe

Aski Nation and Treaty 3 don’t buy into this, you can have all the ridings you want in the north of the province, but you’re not going to have First Nations participation.

We have a Premier who is on the record, over and over, saying how she respects First Nations, how she respects the truth and reconciliation, how she wants to build new relationships. This is a huge opportunity lost. Let’s put into the bill the fact that we will hold ourselves to account to consult with the people affected, and that’s NAN and Treaty 3.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Hillier, and then Ms. Hoggarth.

**Mr. Randy Hillier:** We’re getting into a section of the bill here now where the government really falls apart on this bill and begins to use the bill for political purposes instead of public policy purposes.

I guess I should frame this in this way: We’ve seen today where the government will hide behind the Chief Electoral Officer’s recommendations when they’re advancing something and then be silent about not accepting the Chief Electoral Officer’s recommendations, such as the drafting error clause that was put forward earlier. They’re silent when they’re not being in compliance with the Chief Electoral Officer’s recommendations, and then they hide behind it and offer nothing else when they do.

In this section of the bill, one of the Chief Electoral Officer’s recommendations, as well, was the establishment of a permanent boundary commission for northern Ontario, instead of creating an ad hoc or a one-off boundary commission this time around, which Bill 45 does, which also has very defined and very narrow parameters for its review and the potential for new ridings or realignment. Just for the record, everybody I’m sure on this committee knows this ad hoc boundary commission, under the present bill, Bill 45, can only look at two ridings, Kenora–Rainy River and Timmins–James Bay. The boundary commission is prevented from looking at other ridings in the north.

Back to the NDP motion: Why I just stated that is because the NDP have a number of motions with respect to the Representation Act which this committee ought to give consideration to. We ought not to just look at these motions in their singular aspect but in the totality of what is trying to be accomplished.

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I do think it would be worthwhile for the government to not use election bills for partisan purposes, but to do it in the best interests of constituents. That, of course, would include meaningful engagement with NAN, in that their expectations also be included.

I’m supportive of the NDP motion. However, it’s hard to vote on these singular items without knowing where the government is going to go with all of the NDP motions on the Representation Act.

**The Chair (Mr. Grant Crack):** Ms. Hoggarth.

**Ms. Ann Hoggarth:** Again, I’m recommending that we vote against this motion because the commission is required to consult before and after it makes its



preliminary report, and its mandate includes taking into account the representation of all indigenous people.

Nishnawbe Aski Nation is obviously very important, but at the same time, it is but one of a number of indigenous organizations in the Kenora–Rainy River and Timmins–James Bay area. We do not believe it would be fair to privilege engagement of one of the indigenous organizations over the others.

Direct government consultations on the new northern electoral boundaries are inconsistent with keeping the Far North Electoral Boundaries Commission and the boundaries it recommends independent from the government.

**The Chair (Mr. Grant Crack):** Madame Gélinas, then Mr. Hillier.

**M<sup>me</sup> France Gélinas:** So a 30-second lesson on First Nations: First Nations negotiate government to government. They see themselves as First Nations. They see themselves as representative of the people who are within the treaty covered by NAN, except for this little, wee part in the far northwest of our province that is within Treaty 3.

When NAN wants to negotiate, it negotiates with the provincial government, not with a commission, not with a whatever-you-want-to-create. When NAN comes knocking on the government's door, it is our duty to respect the treaties that we've signed that say that if they want to come and talk to us and negotiate with the provincial government, they have a treaty right to do this. This is what Grand Chief Fiddler asked you with his presentation.

They chose not to appear, because they will not appear in front of a committee of the Legislature, although they send their written words. They've asked to talk to the government of Ontario. To deny them that ask is to deny them the reconciliation that we're all talking about, because their treaties give them the right to do that.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Hillier.

**Mr. Randy Hillier:** I would like the Liberal committee members to explain why they have disregarded the Chief Electoral Officer's recommendations about establishing a permanent northern boundary commission, and why this cherry-picking of the Chief Electoral Officer's recommendations.

One can only conclude, looking at the Liberal position on this, that they're viewing this bill for political purposes and disregarding and bordering on contempt for everybody else in the north by saying, "We will only look at these two ridings. All other ridings in the north are off limits for review."

One might conclude, I guess, that the Liberal Party views that they got it perfect in nine of the ridings, but didn't get it perfect in two of them. But I think, as we can see from some of the upcoming amendments, that there are a lot of people in the north who know that they didn't get it perfect in the other nine ridings either. There has been significant commentary raised in the House and elsewhere about how poorly some of the riding

boundaries are and how it disadvantages members in the north.

So please, I'll be welcoming to hear why the Liberal government did not include the Chief Electoral Officer's recommendation to create a permanent boundary commission and instead have opted for a one-off, ad hoc committee.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Hillier.

**Mr. Randy Hillier:** Silence has met my request once again, from all members of the Liberal Party on this committee. It's a reasonable request. I'd like to know why you're using Bill 45 for political purposes when it comes to election boundaries, and disregarding the Chief Electoral Officer's recommendation.

As I started off in my preamble earlier, I said that this is what we've seen so far: Whenever the government wishes to use a recommendation by the Chief Electoral Officer, they state that. Whenever they are not consistent with the Chief Electoral Officer, mum's the word; it's zip-up time when they're not consistent with the Chief Electoral Officer.

As I stated, I think one must conclude that they are looking to create this ad hoc committee for political purposes only; not for good public policy creation, but for their own partisan benefit. If I'm incorrect in that conclusion, please speak up. Please answer the question as to why you are being dismissive of the Chief Electoral Officer's recommendations.

**The Chair (Mr. Grant Crack):** Further discussion? There being none—Madame Gélinas?

**M<sup>me</sup> France Gélinas:** Recorded vote.

**The Chair (Mr. Grant Crack):** That shall be entertained. I shall call for the vote on NDP motion number 6.

#### Ayes

Hillier, McDonnell, Vanthof.

#### Nays

Baker, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare NDP motion number 6 defeated.

We shall move to NDP motion number 7, which is an amendment to section 36, paragraph 4 of subsection 4(1) of the Representation Act, 2015. Mr. Vanthof.

**Mr. John Vanthof:** I move that paragraph 4 of subsection 4(1) of the Representation Act, 2015, as set out in section 36 of the bill, be struck out and the following substituted:

"4. Two community representatives who identify as indigenous persons, at least one of whom shall be nominated by Nishnawbe Aski Nation."

**The Chair (Mr. Grant Crack):** Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** There, again, we had Chief Fiddler, who sent their written comments on behalf of



Nishnawbe Aski Nation: “That NAN be the vetting proponent in the selection of the indigenous representative for the Far North boundaries commission. NAN cannot endorse or condone the commission or any amendment process if we are not included in the selection of representatives from NAN territories.”

You have to realize that of the two ridings that we are talking about, and many more in the north, it is NAN who represents them all—except for the far northwest; Treaty 3 has three First Nations communities. All of the other First Nations communities in the territory we’re talking about are all represented by NAN, Nishnawbe Aski Nation. It is their own set of representations. There are duly elected chiefs that represent them. They selected NAN’s Grand Chief Alvin Fiddler, and they need to be listened to, as well as respected.

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You have to realize that when NAN says something—when the Grand Chief of NAN says that they “cannot endorse or condone the commission or any amendment process if” they “are not included in the selection of representatives from the NAN territory,” that means it doesn’t matter what we will bring forward. NAN is not going to take part in this and it will be for none. The people who live in NAN territory believe in self-government, they believe in their treaty rights and they believe in the leadership that they have put forward.

We can try to do something good for them; that doesn’t work anymore. We have to do something good with them, and this is what this is all about. NAN has fired a shot across your bow and told you right here, right now, that if you do not put in the bill that they will get to select at least one of the two indigenous people in that commission, they will not recognize the work of the commission, no matter how good it is.

You have a chance to live up to their treaty rights. You have a chance to honour the treaty that the provincial government has signed with those First Nations and have a process that will be respected by the people that we’re trying to include in our electoral process. I hope you choose wisely.

**The Chair (Mr. Grant Crack):** Ms. Hoggarth?

**Ms. Ann Hoggarth:** Again, I’m recommending that we vote against this because members of the commission will be appointed by the Lieutenant Governor in Council and will operate independently from the government.

Nishnawbe Aski Nation does not represent all of the indigenous communities that are located in the ridings of Kenora–Rainy River and Timmins–James Bay. We do not believe it would be fair for one indigenous organization to nominate a representative while excluding indigenous organizations that represent other communities from this opportunity.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Hillier.

**Mr. Randy Hillier:** I just find some of the reasoning and arguments absurd. What the bill says, under clause 4, is, “Two community representatives who identify as indigenous persons” are included in the bill.

This NDP motion really serves that at least one of those two people who identify as indigenous persons would be nominated by NAN. Throw out whatever was stated as an argument to oppose this. It made no sense whatsoever. The government is already committing in Bill 45 that two members will be selected who identify as indigenous persons. Case closed.

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Hoggarth.

**Ms. Ann Hoggarth:** Well, I think the parties opposite will agree that just because a group is small doesn’t mean they should be left out of the discussion. For that reason, we will be voting against this motion.

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Gélinas.

**M<sup>me</sup> France Gélinas:** What small group are we talking about? Treaty 3, that represents three—remember, there are two positions on it. NAN is asking for one. The other one you can—there aren’t many groups representing First Nations. There’s NAN and there’s the three First Nations represented by Treaty 3. That’s it; that’s all. NAN, who represent the great majority—I should have counted them, but at least 67 First Nations that I know of—they’re asking to nominate one. The other one, if you want to have somebody from Treaty 3 that represents three First Nations, have it to you. But you have to give NAN, which has already fired a shot across the bow with this bill—many shots across the bow with this bill—that you are not holding onto the truth and reconciliation, you are not respecting your treaty obligations. They are giving you a way out and saying, “If you let us name somebody forward, an indigenous person who will be nominated by NAN to your committee,” they will respect your process. If you do not give them that, they will not respect your process.

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Hoggarth.

**Ms. Ann Hoggarth:** It is important that representatives from all the indigenous communities in the north are given equal opportunity to be considered to sit on the commission, including Treaty 3. That’s why I believe that we should vote against this.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote. Those in favour of NDP motion number 7? Those opposed? I declare NDP motion number 7 defeated.

**M<sup>me</sup> France Gélinas:** Mr. Chair, I had asked that all NDP motions be recorded votes at the beginning, remember?

**The Chair (Mr. Grant Crack):** I recall that and then I kind of came back and said that I will deal with it one at a time per vote, so I apologize. I would prefer, as Chair, for that clarity per vote.

**M<sup>me</sup> France Gélinas:** Every time.

**The Chair (Mr. Grant Crack):** Thank you.

We shall move to NDP motion number 8, which is an amendment to section 36, subsection 4(7) of the Representation Act, 2015. Mr. Vanthof.



**Mr. John Vanthof:** I move that subsection 4(7) of the Representation Act, 2015, as set out in section 36 of the bill, be amended by striking out “and with respect to the boundaries and names of all of the electoral districts in those geographic areas” at the end and substituting “and with respect to the boundaries and names of all of the 11 northern electoral districts set out in the schedule”.

**The Chair (Mr. Grant Crack):** Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** This is also a recommendation that comes from NAN’s written submission. I’ll quote from their written submission:

“We understand that one of the stated goals of this proposed legislation is to increase representation of First Nations in the north.” Everybody agrees with that. Your end goal is good.

But: “We accept and welcome the intent to increase representation to First Nations communities in the north who, given the vast scope of NAN territory, are under-represented and lack access to constituency offices and the services provided. But we question why the scope of the commission is limited to just one or two electoral districts—did this come from recommendations by the CEO or political direction?”

While we were having the CEO of Elections Ontario here, I asked him this very question, if that came from one of his recommendations. He was abundantly clear that this did not come from his office, that it is not one of his recommendations. It is clearly a political directive.

NAN is the political organization for the First Nations living in the Far North. They are also the same political organization that represents First Nations in my riding, in the Algoma-Manitoulin riding, in the riding of Thunder Bay-Superior North, in the riding of Thunder Bay—what’s the other Thunder Bay riding?

**Interjection:** Atikokan.

**M<sup>me</sup> France Gélinas:** Atikokan; thank you.

For the people living in northern Ontario and their political representation, it would make a whole lot more sense to let the people who live in northern Ontario decide the geographical boundaries of those new ridings rather than have a government that sits here in Toronto, with most of its members never having set foot in a fly-in-only First Nation in their lives, decide what’s good for them.

Do you recognize a little bit of colonial processes in there, where we know better than the people who live there and we know better than the political leadership and the First Nations leadership what should be done? This is wrong.

Your end goal is good, but you’re going to go there by mandating how to do things and who will do them for the good of First Nations. First Nations have had it up to here with what’s good for them. Let them decide what’s good for them. They can make their own decisions, and they usually make pretty good ones.

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**Chair (Mr. Grant Crack):** Ms. Hoggarth.

**Ms. Ann Hoggarth:** Again, I’m recommending that we vote against this motion. Expanding the scope of the proposed commission’s work will reduce the practical time available for the commission to consider changes in the two northernmost ridings. Essentially, this NDP motion to examine all 11 northern electoral districts puts the commission’s goal of increasing northern representation, including indigenous representation, at risk.

The bill proposes allocating three months for the commission to complete its work, as the CEO indicated the need for a tight turnaround in order to ensure that new boundaries could be implemented in time for the 2018 general election. Creating new boundaries for the entire north may pose implementation risks so close to the scheduled 2018 election. That’s why I’m urging us to vote against this motion.

**The Chair (Mr. Grant Crack):** Mr. Hillier.

**Mr. Randy Hillier:** I think this really exposes just how political and partisan the government is conducting itself with Bill 45. Again, they cherry-picked the Chief Electoral Officer’s recommendations with respect to the northern boundary commission. They don’t take that advice. Instead, they create some ad hoc committee. They then limit the criteria the ad hoc committee is allowed to consider and limit the ridings that the ad hoc committee is allowed to examine. That’s strictly for partisan purposes and not for improving effective representation of people in northern Ontario.

I find it quite disturbing, Chair, that the government would engage in such partisan behaviour when it comes to boundary commissions. We heard from the Chief Electoral Officer—and I’ll just go back to the member from Barrie’s comments. The Chief Electoral Officer stated to the committee that it’s going to be very, very tough for the Chief Electoral Officer to put in the recommendations from this ad hoc boundary commission. His comments were that all the legislation would have to be passed by October 31, 2017, in order for him to even be able to attempt to have things ready for the June 2018 general election.

I think the government here has purposely set forward a set of constructs that are meant to fail, that are meant to actually not get a new riding in the north, but make it appear that they’re attempting to. That’s what I mean by “using this for political purposes and partisan purposes.” It wouldn’t surprise me in the least that they’re holding this and holding themselves out to our First Nations people as trying to improve effective representation while knowing all along that they’re doing things that look like—will this actually get changed for the 2018 election? We heard from the Chief Electoral Officer that it’s going to be very, very difficult to do so, and at the same time they actually prevent the committee from looking at all the ridings in the north and they purposely do not create a permanent northern boundaries commission. There are just too many elements of this bill on the Representation Act that one has to be suspicious of and where it’ll actually end up.

**The Chair (Mr. Grant Crack):** Madame Gélinas.



**M<sup>me</sup> France G  linas:** You have to look at it from the point of view of the First Nations. They have waited 150 years to have a chance to send a First Nations representative to Queen's Park. To tell them that "you now have to do this within our laws and within our direction, because we know better than First Nations, so we meet our three months' deadline" is to add insult to injury.

The three months' deadline is your deadline, not the First Nations' deadline. They want to do this properly so that finally we have some measures to increase First Nation participation in the Legislative Assembly. To use three months to get this all done is disrespectful. I cannot tell you how poorly received this is going to be by the First Nations.

They've waited 150 years. We can wait more than three months to get it right.

**The Chair (Mr. Grant Crack):** Mr. Hillier?

**Mr. Randy Hillier:** Just to put it on the table: This NDP motion is, in essence, the same as the following amendment offered by the PC caucus. They're pretty much the same; they would achieve the same objective.

Once again, I'll put it on the record: If this government indeed had a sincere, profound respect for the north, included in Bill 45 would not be an ad hoc committee but a permanent boundary commission would be established.

I can just see it happening that we'll be back here in the next Parliament and there will be no new ridings created in the north. The time frame wasn't sufficient to address these concerns. Once again, the government will find some reason not to—if it happens to be a Liberal government, anyway—have a permanent northern boundary commission.

To understand the context here: In southern Ontario, we have agreed that our riding boundaries will be consistent and uniform with our federal boundaries, right? So they're seamless. But the government has, since that change came in for southern Ontario back in the late 1990s of having our electoral districts mirror the federal districts—since that time, there has been a recognition that our northern ridings will not mirror the federal ridings. Just from that very aspect, Chair, it ought to be intuitive that we need a northern boundary commission for the north. We don't need one for the south, because we've agreed to have uniform ridings. How can they go about and say that we're not going to have uniform ridings in the north but we'll not have any permanent mechanism to actually review and come up with good ideas for our northern boundaries? I see this as suspect at best.

**The Chair (Mr. Grant Crack):** Mr. Vanthof?

**Mr. John Vanthof:** I'd like to continue. One of the comments that really irks northerners, and I'm sure irks First Nations who are even further north than other northerners, is, "We have to get this done because we've set this three-month window." Who has set this three-month window? It wasn't anyone in northern Ontario. It wasn't any First Nations person. It wasn't any indigenous person. Who set this? The government, out of the blue, because we've had—this concern has been around for a

long time about First Nations representation. I remember discussing it when we talked about mirroring the boundaries in southern Ontario and we had to pass that legislation. Again, this came out of the blue.

Do we agree that this should be looked at? Of course. But to say that this has to be done first within three months—and oh, by the way, we can only look within the boundaries that we have already set, which First Nations had nothing to do with either, because the boundaries that they set, that they respect, have nothing to do with our boundaries. They don't respect provincial boundaries, nor should they. So why are we saying we want more First Nations representation but, oh, you can't have true First Nations representation, because that just doesn't fit in our three-month box? That is what's so frustrating about this process, this, "Oh, three months."

**1530**

So please, would somebody on the government side put on the record who specifically says that this has to be done? Yes, they want it done for the next election. But isn't it more important to get it done right, so that after 150 years, northern First Nations actually feel properly consulted and, in the end, properly represented? That should be the goal of this committee, it should be the goal of this government and it should be the goal of upcoming governments.

If we could get it done within three months—I doubt it, but if we could, fine. All the better. But to say, well, because we have this three-month—I'm going back; I believe it was the member for Barrie who said it—we have to get it within this three months. Really? Did anyone in the First Nations community say that? Can you find me one person who said that, leadership or otherwise, that it has to be done within three months?

That is the issue. If there was a parade of First Nations leaders coming here and saying this had to be done in three months—there wasn't.

So again, who are we rushing this through for? And if we have to rush it through, why are we not doing our best to make sure that the First Nations are adequately represented?

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Rinaldi.

**Mr. Lou Rinaldi:** Chair, just a quick comment. I don't want to prolong this any further, but just to make sure that—and I might be corrected. We all agreed to follow federal boundaries some time back, whether right or wrong, and that was the decision made by all the sitting members down here. I'm not saying they all supported it. Nobody consulted anybody. We made the decision.

There was also a decision made that because of the vast geography in the north—and to Ms. G  linas's point that we don't know about the north, I've been to communities where you only fly in. I've been there, and I know the struggles that they feel. So to generalize that we don't know what the north is like—yes, I don't live there, so I don't know what the north is like, but I've been there.



There was a decision made that in the north, because of the vast geography, we'd look at additional ridings, and that's what we're trying to do.

To talk about the time frame that you're questioning about—this is not whether it's three months, six months, 10 months. I've sat in that House for over 10 years now, and I would say to you that the opposition—they're doing their job, and I respect that—thinks we take too long to get things done. "Why does it take them so long to get things done?" We hear that over and over.

I'm not arguing whether it's three months, two months or six months. We're trying to get something accomplished.

**The Chair (Mr. Grant Crack):** Mr. Hillier.

**Mr. Randy Hillier:** I found it refreshing that the member from Northumberland has found his voice and has put forward some comments.

I also find it quite astonishing that there was some inference that the opposition party delays the government in their agenda—

**Mr. Lou Rinaldi:** That's not what I said. Get your words straight. That's not what I said.

**The Chair (Mr. Grant Crack):** Order, Mr. Rinaldi, please. Mr. Hillier has the floor. You can respond after, if you so choose.

Mr. Hillier.

**Mr. Randy Hillier:** No, no. I distinctly heard that—I'm not trying to be critical here. I'm just stating that there was a position offered that opposition slows down government agendas, or legislative agendas and programs.

But I can say to you, Chair, that it was the government that brought in Bill 45, not the opposition parties, and it was the government timeline that brought in Bill 45. They could have brought it in a year ago. They could have brought it in any time after June 2014, when we had our general election. Instead, they chose to introduce it in the fall session of 2016. The opposition parties don't have any influence on when the government introduces legislation.

I'll go back again to the member from Northumberland's comments. He's absolutely correct: There was mirroring of the ridings in southern Ontario but not in northern Ontario. It's been a failing that's been identified for some time now. Because we mirror the federal ridings, we can ride the coattails of the federal government's riding boundary commission for southern Ontario. We've all agreed that our ridings are going to mirror it. However, we're not doing that in the north, plus we've not created a boundary commission. We've been absent of our responsibilities.

If we're going to allow different ridings to be constructed in the north and not follow the federal boundary commission, then I believe we do have an obligation to structure a permanent boundary commission for northern Ontario so we're not left in these predicaments, and also so that when there is a failure and communities are disadvantaged with the creation of ridings, they have

some avenue to seek a remedy. That would be a permanent boundary commission.

We're going to hear about Wahnapiatae. We're going to hear about other communities that are significantly disadvantaged and there is no avenue for them to seek redress and to seek a remedy, because we don't have a permanent boundary commission.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Vanthof.

**Mr. John Vanthof:** Thank you. I'd also like to thank Mr. Rinaldi for voicing his opinion. But it still leaves the question: The decision was made that we only have a three-month window—again, by who? Because, to Mr. Hillier's point, in northern Ontario we can't piggyback on the federal boundaries commission, as they do in southern Ontario. So in northern Ontario the quid pro quo is that everything is static unless someone comes up with a three-month deadline and we have to change something. You wonder why we get a bit upset about that, and that's why: because—you said it yourself—a decision was made. My question is, by who, and why?

Again, to Mr. Hillier's point, the agenda of the government is set by the government. Yes, the opposition has a few tools at their disposal to voice their opposition, but at the end of the day, the agenda of the government is set by the government. If the government truly wanted a process that actually gave time to do it right, the government could have done this bill after the election. It would have died with prorogation, perhaps, but it's the government that sets the agenda, not the opposition. It's the government's mismanagement of the agenda, whether on purpose or by accident, that leaves us with this three-month window.

**The Chair (Mr. Grant Crack):** Ms. Hoggarth.

**Ms. Ann Hoggarth:** Well, the bill proposes allocating three months for the commission to complete its work. The CEO indicated the need for a tight turnaround in order to ensure that the new boundaries could be implemented in time for the 2018 general election. Now, maybe the opposition, in particular the third party, doesn't want that extra seat up there; I don't know. But the CEO made it very clear that it needed to be done in three months.

**The Chair (Mr. Grant Crack):** Mr. Vanthof.

**Mr. John Vanthof:** We are very much in favour of having as many seats in northern Ontario as are needed to provide adequate representation. If that's one or two, that's fantastic. But the CEO of Elections Ontario didn't say he needed three months to do a good job; he said it was three months to make it to the government's timeline of the next election. That's two different things.

What we're saying with these amendments is: Okay, given that window, here are the things we could do at least to broaden it to actually do the best job we can, given the time we're given.

1540

**The Chair (Mr. Grant Crack):** Mr. McDonell.

**Mr. Jim McDonell:** I look back at when the federal commission produced its report some time back in 2014,



I would think. That's the real issue. We were hoping that the government would wake up in time to make these changes. Now they've backed themselves into a corner. The Chief Electoral Officer is very right: If he doesn't have the final decisions by October, he's going to have very great difficulty in getting ready for it.

But this government, in its know-all attitude, lost more than two years in putting this commission together and, you might even argue, more than that, because there is on the books, in the statute, the requirement to review the federal ridings, which we follow, every 10 years. This was not dropped out of the sky. The commission went together—I sat in on a couple of the commission's meetings, one in Ottawa.

This is a programmed report that happens every 10 years. That's why we're asking for an ongoing commission here, one that would have been involved before the commission was finalized and would allow us to make it in a timely manner that would have had this in order. They choose now—I guess there was mention upstairs about this bill in consumer services, looking for some good news that'll change the channel on what people are considering very bad legislation. But you can't introduce these things and expect everything just to fall in place when there's no time left.

I think that's what the message is here. There's a lot of concern that it's just going to screw it up for another 10 years—wait for the next one and hope that the government reacts. Hopefully it will be a different government that will react sooner.

**The Chair (Mr. Grant Crack):** Mr. Colle.

**Mr. Mike Colle:** Just listening to this is really rich. We're hearing from the Conservative side—I was here when they changed the boundaries to match the federal boundaries. There was no consultation; no public hearings. It was rammed through in a day or two, where they basically said, "Arbitrarily, we are going to match every provincial boundary with every federal boundary." They didn't consult with the north, with rural Ontario, with urban—there were no hearings. It was done unilaterally, arbitrarily. They said, "This is what's best for you. We're going to match"—and some of us objected. Nobody in the Conservative Party—they all voted with Mike Harris and said, "We've got too much representation in Ontario, and we're going to match the federal boundaries."

Now we hear from these guys, who are saying, "Oh, you've got to consult with the north." If we at least change the northern boundaries to add another seat and we're looking at doing more, then I hear from these guys saying, "Well, you should take more time to consult," when they are the godfathers of misrepresentation where they said to everybody in small communities—

**Mr. Randy Hillier:** Chair, I do take exception to that.

**The Chair (Mr. Grant Crack):** Point of order, Mr. Hillier.

**Mr. Randy Hillier:** He's impugning motive. Saying that we are the godfathers of misrepresentation was—it should be struck.

**Mr. Mike Colle:** Whatever. Here we're talking about a good initiative that isn't perfect, but it—

**The Chair (Mr. Grant Crack):** Mr. Colle, I would ask that you would kindly ensure that your language is parliamentary with regard to—

**Mr. Mike Colle:** My language? What word?

**The Chair (Mr. Grant Crack):** There was the word "misrepresentation" that came out. I'm not going to take any action other than just—

**Mr. Mike Colle:** After what I've heard here in this committee for the last five months, and you admonish me? Jeez.

**The Chair (Mr. Grant Crack):** Mr. Colle, the floor is yours if you wish to continue.

**Mr. Mike Colle:** No, I don't.

**The Chair (Mr. Grant Crack):** Thank you. Further discussion?

**Mr. Jim McDonell:** Just the point that the federal system had ample time to receive delegations. They have a program that is—the timeline is there; it's every 10 years. The provincial program is a different one for the north; it has to be looked at in 15 years or something. It's time to do it, but it's also time to make this a recurring process that matches the federal program. We're trying to make that happen, even at as late a time as it is, and we're not getting any help.

**The Chair (Mr. Grant Crack):** Further discussion? Okay, there being none, I shall call for the vote on NDP motion number 8.

**Mr. John Vanthof:** Can I have a recorded vote?

**The Chair (Mr. Grant Crack):** A request for a recorded vote will be entertained and is in order.

#### Ayes

Hillier, McDonell, Vanthof.

#### Nays

Baker, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare NDP motion number 8 defeated.

We shall move to PC motion number 9.

Before we go to PC motion 9: Mr. Vanthof.

**Mr. John Vanthof:** Can I call for a 20-minute recess?

**The Chair (Mr. Grant Crack):** We'd need unanimous consent at this point.

**Mr. John Vanthof:** Can I have unanimous consent for a 10-minute recess?

**The Chair (Mr. Grant Crack):** Is there unanimous consent for a 10-minute recess at this point?

*Interjections.*

**The Chair (Mr. Grant Crack):** If there's no unanimous consent for a recess, I respect that, and we will continue to move forward. Is there unanimous consent for a recess at this time? No.

I will remind all the members that at 4 o'clock we will move into—with respect to the process set out by the



order from the House, which will allow for a recess at that time as well, so it will be 10 more minutes.

PC motion number 9: Mr. Hillier.

**Mr. Randy Hillier:** I move that subsection 4(7) of the Representation Act, 2015, as set out in section 36 of the bill, be struck out and the following substituted:

“Mandate

“(7) The commission shall consider and make recommendations with respect to the creation of at least one additional electoral district within the geographic areas occupied under this act, at the time of the establishment of the commission, by the northern electoral districts whose names and boundaries are set out in the schedule at that time and with respect to the boundaries and names of all of the electoral districts in those geographic areas.”

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Hillier.

**Mr. Randy Hillier:** Yes, very briefly: Clearly all the arguments from the opposition members are falling on deaf ears once again today. Seeing that the government has brought out the ultimate guillotine to cut debate off with the orders of the House to this committee, I think it would be absolutely pointless to offer up any further arguments. This is essentially the same as the NDP motion, and I would prefer we go straight to a vote and go on to something more meaningful, seeing that we only have 10 minutes left to examine this bill and its amendments.

**The Chair (Mr. Grant Crack):** Further discussion on PC motion number 9? Ms. Hoggarth.

**Ms. Ann Hoggarth:** I hope that the third party will agree with us—that we recommend voting against this. This motion put forward by the PCs would limit the number of new ridings that can be created to one, and it’s not necessarily in the north.

**Mr. Randy Hillier:** “At least one.”

**Ms. Ann Hoggarth:** The PC motion undermines one of the important goals of this bill, which is to increase northern representation, including indigenous representation. Allowing the Far North Electoral Boundaries Commission to create only one new riding in the north, and not necessarily in the Far North, may be insufficient to address the representation issues with which Bill 45 is concerned.

The bill proposes allocating three months for the commission to complete its work, as the CEO indicated the need for a tight turnaround in order to ensure that the new boundaries could be implemented in time for the 2018 general election. Creating new boundaries for the entire north may pose implementation risks so close to the scheduled 2018 election.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Hillier.

**Mr. Randy Hillier:** I did not want to get into this in this session, but after hearing that comment, I will have to ask the committee members to go back and look at the comments and ask yourselves—the Liberal member just stated that this amendment would restrict it to only one new electoral district. Let me just read: “with respect to

the creation of at least one additional electoral district.” The amendment allows for a greater number but not less than one.

**The Chair (Mr. Grant Crack):** Further discussion on PC motion number 9?

**Mr. Mike Colle:** Recorded vote.

**The Chair (Mr. Grant Crack):** There being none, I shall call for the vote. There is a request for a recorded vote which shall be entertained.

#### Ayes

Hillier, McDonell, Vanthof.

#### Nays

Baker, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare PC motion 9 defeated.

We shall move to NDP motion number 10, which is an amendment to section 36, proposing new subsections 4(11.1) and (11.2) of the Representation Act, 2015. Mr. Vanthof?

**Mr. John Vanthof:** I move that section 4 of the Representation Act, 2015, as set out in section 36 of the bill, be amended by adding the following subsections:

“Meaningful engagement with Nishnawbe Aski Nation and Nishnawbe Aski Nation First Nations

“(11.1) In recognition of the inherent and treaty rights of the Nishnawbe Aski Nation First Nations, the government of Ontario shall meaningfully engage with Nishnawbe Aski Nation and Nishnawbe Aski Nation First Nations regarding any proposed legislation that would affect the electoral representation of First Nations in the part of Ontario divided into 11 northern electoral districts.

“Nishnawbe Aski Nation to be given opportunity to make representations

“(11.2) The commission shall meet with Nishnawbe Aski Nation to share its preliminary discussions and recommendations and to give Nishnawbe Aski Nation the opportunity to make representations in respect of the preliminary decisions and recommendations before they are made final.”

**The Chair (Mr. Grant Crack):** Just for clarification on (11.2) in your motion: “The commission shall meet with Nishnawbe Aski Nation to share its preliminary”—you said “discussions”; I believe you meant “decisions.”

**Interjection:** You have to say it in the mike.

**Mr. John Vanthof:** “Decisions.”

**The Chair (Mr. Grant Crack):** For clarification, it is “preliminary decisions and recommendations.”

Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** Very quickly, because I want to get to the recommendations for Wahnapiatae First Nation. It is asked by NAN, and I hope we will respect when the chief of NAN writes to us.



**The Chair (Mr. Grant Crack):** Further discussion? Ms. Hoggarth.

**Ms. Ann Hoggarth:** Well, I think that we will be voting against this as, again, we've made it very clear that the commission is required to consult before and after it makes a preliminary report, and its mandate includes taking into account the representation of the indigenous people—that's all of the indigenous people and all of the people who live in that area.

**The Chair (Mr. Grant Crack):** Further discussion on NDP motion 10?

**M<sup>me</sup> France G  linas:** Recorded vote.

**The Chair (Mr. Grant Crack):** There has been a request for a recorded vote on NDP motion 10, which shall be entertained.

### Ayes

Hillier, McDonell, Vanthof.

### Nays

Baker, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare NDP motion 10 defeated.

We shall move to NDP motion 11, which is a motion—

**Ms. Ann Hoggarth:** We have a vote.

**The Chair (Mr. Grant Crack):** Just one second, we'll see—it's a five-minute bell.

**Mr. Randy Hillier:** We're under conflicting orders of the House.

**The Chair (Mr. Grant Crack):** I understand it's a five-minute bell. We will recess and reconvene right after the vote. Following the vote, I shall give another five minutes before I will reconvene to give five minutes for members to come back.

This meeting is recessed.

*The committee recessed from 1554 to 1607.*

**The Chair (Mr. Grant Crack):** Okay, back to order, everyone.

As I had mentioned early on, at the commencement of this committee meeting, we are on an order of the House, so I will just remind members that at 4 p.m. on December 5, 2016, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 45 and any amendments thereto.

At this time, the Chair shall allow for one 20-minute waiting period, pursuant to standing order 129(a).

Having said that, we are on NDP motion number 11, which is an amendment to section 36, new subsection (2), section 5 of the Representation Act, 2015.

I will remind all members that it will be me that has to read in the motions.

*Interjection.*

**The Chair (Mr. Grant Crack):** I'm just reminding members that you are entitled to one 20-minute recess, so now would be the time.

Thank you very much. We shall proceed.

We have NDP motion number 11, which is an amendment to section 36, proposing new subsection (2), section 5 of the Representation Act, 2015.

It has been deemed moved by Mr. Vanthof that section 36 of the bill be amended by adding the following subsection:

“(2) Section 5 of the act is repealed and the following substituted:

“Review of electoral boundaries

“5. The minister responsible for the administration of this act shall conduct a review of the boundaries of all the electoral districts in Ontario at least once every 10 years after January 1, 2017.”

I do declare this motion out of order, as this motion seeks to amend a section, section 5 of the Representation Act, 2015, that is not open in this bill before us. It is therefore, I declare, beyond the scope of the bill.

We shall move to NDP motion number 12, which is an amendment to section 36. Mr. Vanthof?

**Mr. John Vanthof:** I believe that this motion is also out of order, but we were going to call for unanimous consent to consider it anyway. Do I do that now, or do I do it after I finish reading?

**The Chair (Mr. Grant Crack):** On this particular one?

**Mr. John Vanthof:** Yes.

**The Chair (Mr. Grant Crack):** Okay, because I have moved to it. For the previous one, had you asked for unanimous consent, I would have entertained that.

**Mr. John Vanthof:** No, not the previous one.

**The Chair (Mr. Grant Crack):** I will read it into the record, and then once I've done that, if you want to request specific action, I would be more than happy to entertain that.

**Mr. John Vanthof:** Thank you.

**The Chair (Mr. Grant Crack):** NDP motion number 12 is an amendment to section 36, schedule to the Representation Act, 2015, creating new subsections (2) and (3).

It has been deemed to be moved by Mr. Vanthof that section 36 of the bill be amended by adding the following subsections:

“(2) Item 3, ‘Nickel Belt’, in the schedule to” this “act is amended by striking out ‘All of the territorial district of Sudbury, EXCEPTING those parts described as follows:’ in the portion after the heading ‘SECONDLY:’ and substituting ‘All of the territorial district of Sudbury, EXCEPTING those parts described as follows, other than that part forming Wahnapi  e Indian Reserve No. 11:’

“(3) Item 10, ‘Timiskaming-Cochrane’, in the schedule to the act is amended by striking out “All that part of the territorial district of Sudbury lying easterly” in the portion after the heading ‘THIRDLY:’ and substituting ‘All that part of the territorial district of Sudbury,



other than that part forming Wahnapiatae Indian Reserve No. 11, lying easterly’.”

Did I say something wrong?

**The Clerk of the Committee (Ms. Sylwia Przedziecki):** That’s “the,” not “this.”

**The Chair (Mr. Grant Crack):** Okay, “in the schedule to the act” under (2) and (3). I apologize, but I’m clarifying my record.

Having said that, I’m going to declare this particular motion out of order, as this motion seeks to amend a schedule to the Representation Act which is not open in the bill, and is therefore beyond the scope. Mr. Vanthof?

**Mr. John Vanthof:** Mr. Chair, I believe that we have unanimous consent to consider this motion, despite your ruling.

**The Chair (Mr. Grant Crack):** That is a respectful request. I will entertain that. Do we have unanimous consent to entertain NDP motion number 12? I shall therefore grant that it will be entertained, and I shall call for the vote.

**Mr. Lou Rinaldi:** Recorded vote.

**The Chair (Mr. Grant Crack):** There has been a request for a recorded vote. That is in order.

#### Ayes

Baker, Colle, Hillier, Hoggarth, Malhi, McDonell, Rinaldi, Vanthof.

**The Chair (Mr. Grant Crack):** I declare NDP motion number 12 carried.

Shall section 36, as amended, carry? Those in favour? Those opposed? I declare section 36, as amended, carried.

We shall move to section 37. We have NDP motion number 13, which is an amendment to section 37(1) and (2).

It is deemed moved by Mr. Vanthof that section 37 of the bill be struck out and the following substituted:

“Commencement

“37(1) Subject to subsection (2), this act comes into force on January 1, 2017.

“(2) Sections 4, 5, 11, 13, 14, 16 to 22, 24 to 28, 30, 31, 33 and 35 come into force on July 1, 2017.”

I shall call for the vote. Those in favour of NDP motion number 13? Those opposed to NDP motion number 13? I declare NDP motion number 13 defeated.

We shall move to government motion number 14, which is an amendment to section 37(1) and (2). It is deemed moved by Ms. Hoggarth that section 37 of the bill be struck out and the following substituted:

“Commencement

“37(1) Subject to subsection (2), this act comes into force on the later of January 1, 2017, and the day it receives royal assent.

“(2) Sections 4, 11, 13, 14, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, 31, 33, and 35 come into force on July 1, 2017.”

I shall call for the vote. Those in favour of government motion number 14? Those opposed? I declare government motion number 14 carried.

Section 37 is therefore amended and I shall call for the vote on the amended section 37. Those in favour of section 37, as amended? Those opposed? I declare section 37, as amended, carried.

We shall move to the short title, section 38. There are no amendments.

**Mr. Mike Colle:** Recorded vote.

**The Chair (Mr. Grant Crack):** There is a request for a recorded vote, which will be entertained. Shall section 38 carry?

#### Ayes

Baker, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare section 38 carried.

We shall move to the title of the bill.

**Mr. Mike Colle:** Recorded vote.

**The Chair (Mr. Grant Crack):** There has been a request for a recorded vote on the title of the bill, which will be entertained. Shall the title of the bill carry?

#### Ayes

Baker, Colle, Hoggarth, Malhi, Rinaldi, Vanthof.

**The Chair (Mr. Grant Crack):** I declare the title of the bill carried.

Shall Bill 45 carry?

**Mr. Mike Colle:** Recorded vote.

**The Chair (Mr. Grant Crack):** There has been a request for a recorded vote, which will be entertained. As we all know, Bill 45 has been amended. Shall Bill 45, as amended, carry?

#### Ayes

Baker, Colle, Hoggarth, Malhi, Rinaldi, Vanthof.

**The Chair (Mr. Grant Crack):** I declare Bill 45, as amended, carried.

Shall I report the amended Bill 45 to the House?

**Mr. Mike Colle:** Recorded vote.

**The Chair (Mr. Grant Crack):** There is a request for a recorded vote, which shall be entertained. Those in favour of the Chair reporting Bill 45, as amended, to the House?

#### Ayes

Baker, Colle, Hoggarth, Malhi, Rinaldi, Vanthof.

**The Chair (Mr. Grant Crack):** I declare that I will report the bill to the House. Carried.

There being no further business—Mr. Hillier?



**Mr. Randy Hillier:** I see that the bill is going to be reported back to the House. I'd just like to make one comment. I'm glad to see that the committee is ending its day, but it is a terrible and atrocious thing that proper deliberations were cut off with the time allocation motion and not enough time was provided to the Chief Electoral Officer for further deliberations and evaluations of the bill.

**The Chair (Mr. Grant Crack):** There being no further business, I'd like to thank all members of the committee and support staff, Clerk, legislative counsel, Hansard and all you fine people here today for the work on Bill 45. There being no further business, I want to wish everyone happy holidays, merry Christmas.

This meeting is adjourned.

*The committee adjourned at 1618.*







## STANDING COMMITTEE ON GENERAL GOVERNMENT

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Mr. Grant Crack (Glengarry–Prescott–Russell L)

### **Vice-Chair / Vice-Président**

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Mr. Yvan Baker (Etobicoke Centre / Etobicoke-Centre L)

Mr. Mike Colle (Eglinton–Lawrence L)

Mr. Grant Crack (Glengarry–Prescott–Russell L)

Mrs. Lisa Gretzky (Windsor West / Windsor-Ouest ND)

Ms. Ann Hoggarth (Barrie L)

Ms. Harinder Malhi (Brampton–Springdale L)

Mr. Jim McDonnell (Stormont–Dundas–South Glengarry PC)

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Ms. Lisa M. Thompson (Huron–Bruce PC)

### **Substitutions / Membres remplaçants**

M<sup>me</sup> France Gélinas (Nickel Belt ND)

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

Mr. John Vanthof (Timiskaming–Cochrane ND)

### **Clerk / Greffière**

Ms. Sylwia Przedziecki

### **Staff / Personnel**

Ms. Julia Hood, legislative counsel

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